REMARKS

Informalities

Supplemental Information Disclosure Statement. Applicant is enclosing herewith a supplemental IDS pursuant to 37 C.F.R. §1.97. Please charge the appropriate fee to the deposit account identified on the submitted form.

Petition to Make Special. Applicant is also enclosing a Petition to Make Special the above-identified application for patent pursuant to 37 C.F.R. §1.102(d). Consideration and granting of this petition is respectfully requested. Please charge the appropriate fee to the deposit account identified on the submitted form.

Claim Rejections – 35 U.S.C. § 112

Claims 1-7 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant submits the following to correct this deficiency.

The preamble recitation in claims 1-7 has been amended to clarify that the present invention employs a novel electronic payment system. The Examiner should note that the present invention utilizes existing, known payment methods (e.g. paper and electronic payments), but employs a new and novel method of carrying these payments out. This amendment to the claims does not alter the scope of the claims to come within Festo, but merely serves to remove the vague and confusing language as indicated by the Examiner.

Claim Rejections – 35 U.S.C. § 103

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United

States Patent No. 6,058,380 to Anderson et al., in view of United States Patent No. 6,018,736 to Gilai et al. In light of the above-identified amendments and the arguments as presented below, Applicant submits that Anderson, in view of Gilai, does not render the present invention obvious and that the rejection should be withdrawn.

Anderson discloses a system and method for electronically processing invoice information. Although seemingly similar, Anderson is quite distinct from the present invention. Perhaps the biggest distinction is that Anderson requires an intermediary to perform the methods disclosed. Specifically, Anderson requires an intermediary to gather invoice and other relevant accounts payable information, which is then used to direct payment to the vendors whose invoices were submitted. The intermediary in Anderson is the central focus of the invention and performs the majority of tasks disclosed. Anderson allows customers who are not EDI capable to pay vendors electronically because vendor invoices are delivered to the intermediary through traditional means, such as mail drop, etc. Once the intermediary has the invoices, payment can be made through electronic means or a check can be prepared, which can be mailed to the vendor upon approval by the customer. The customer is not required to be EDI capable because the intermediary takes care of payment after the customer approves the transaction. See Anderson Col. 8, ln. 57-67. Claim 1 of the present invention has been amended to clarify this point. Specifically, claim 1 has been amended to make it clear that the method of the present invention is substantially performed on the system of the user. No new matter has been introduced as support for the amendment is found in the specification. In addition, the amendment is meant only to clarify the scope of the invention, thus neither narrowing nor broadening the claim to come within the meaning of Festo.

Another critical difference is that there is no "determination" function being performed

by the invention in Anderson. Specifically, each payment method is pre-determined in the setup process, thus negating the method of the present invention, whereby a particular payment method is actually determined, e.g., electronic or traditional, based upon certain vendor criteria. See Anderson col. 10, ln. 8-11; col. 13, ln. 20-67. Anderson does not teach a method for determining which type of payment a vendor is capable of receiving, as does the computer program of the present invention, but rather provides a method for using an intermediary, in conjunction with various customers and vendors who are all linked to the intermediary, to process and pay outstanding invoices.

The use of an intermediary in this fashion directly teaches away from the present invention. Moreover, the intermediary in Anderson requires each customer to submit their invoices to the intermediary, which then is responsible for paying each vendor. In this respect, the customer is taken out of the picture, other than to provide the intermediary with the necessary data to complete the transaction. This is quite distinct from the present invention. The present invention allows the customer, or user, to monitor, track, and pay vendors without having to use an intermediary. Although an intermediary, such as a service center, may be used to process and send paper checks to those vendors incapable of receiving electronic payments, this use is distinctly different than the intermediary in Anderson. The intermediary as described in the present invention is merely a processing center and nothing more. It does not serve to gather information from both the customer and the vendors and then proceed to pay the vendors according to this information, as the intermediary does in Anderson. In essence, the present invention operates from the standpoint of the customer or user, with little or no interaction with the vendor. For example, in Anderson all invoices are directed to the intermediary, not the customer, which then matches the invoices with vendor information and takes care of appropriate

payment. In the present invention, all invoices, etc., are still directed to the customer, who can then use the technology of the present invention to pay vendors. This significantly reduces operating expenditures and other personnel that would be required to operate an intermediary as in Anderson. Anderson does not suggest, nor teach that the customer can direct payment to several vendors using electronic means, but rather teaches the use of an intermediary, in conjunction with the customer and vendors each submitting pertinent information to the intermediary, to handle payment to the vendors.

Moreover, claim 1 has been amended to include the association and transmission of available remittance data with the payment transaction. Such a limitation is not taught nor suggested by the Anderson reference.

In addition to the foregoing, claims 8 and 9 have been added to further clarify and define the teaching of the present invention. No new matter has been introduced and each element is supported in the specification. Specifically, claim 8 recites a remittance delivery system to be used in conjunction or submitted with the payment transaction. Anderson does not disclose this, nor teach the transmission of remittance data with an electronic payment. Claim 9 recites a method for paying a vendor and transmitting remittance data using an electronic system. Claim 9 is similar to claim 1, but includes other limitations not recited in claim 1.

In light of the arguments above and the fact that Anderson does not suggest, nor teach, but in fact directly teaches away from that claimed in the present invention, Applicant submits that rejection in light of the Gilai reference is moot. Combination of these two references does not render the present invention obvious.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. ~~I~~A method for electronically determining, in an electronic payment system, ~~a method for determining~~ which of a plurality of payment methods is to be employed for at least one vendor to be paid, said method comprising the steps of:

a) receiving from a user at least one vendor identifier for each of said at least one vendor;

b) consulting a vendor database for a vendor database identifier corresponding to said vendor identifier;

c) when said vendor database includes said vendor identifier, retrieving a preferred payment method identifier corresponding to said vendor database identifier as stored in said vendor database;

d) when said vendor database does not include a match of said vendor identifier, from said vendor identifier phonetically matching to said vendor database identifier as stored in said vendor database and retrieving said preferred payment method identifier; and

e) presenting to said user said vendor database identifier in a list corresponding to said preferred payment method identifier.

wherein said method is substantially performed and controlled by the computer system of said user.

2. The method as recited in claim 1, wherein said step of receiving from ~~a user~~an at least one vendor identifier for each of said at least one vendor step, comprises the step of receiving said at least one vendor identifier for each of said at least one vendor from an accounts

payable database created and maintained by an accounting software application.

3. ~~In an electronic payment system, t~~The method ~~for determining which of a plurality of payment methods to be employed for at least one vendor to be paid,~~ as recited in claim 1, further comprising the step of defining said plurality of payment methods to include traditional check drafting and electronic payment methods.

4. ~~In an electronic payment system, the method for determining which of a plurality of payment methods to be employed for at least one vendor to be paid,~~The method as recited in claim 1, wherein said step of presenting to said user said vendor database identifier in a list corresponding to said preferred payment method identifier ~~step~~ further comprises the step of when one of said at least one vendor to be paid is proposed for payment using one of said plurality of payment methods, reassigning said one of said at least one vendor to another of said plurality of payment methods.

5. ~~In an electronic payment system, t~~The method ~~for determining which of a plurality of payment methods to be employed for at least one vendor to be paid,~~ as recited in claim 1, wherein said presenting to said user said vendor database identifier in a list corresponding to said preferred payment method identifier step further comprises the steps of:

a) from an identifier of said at least one vendor supplied by said user, referencing a database to determine which entries of said database correspond identically or most closely to said at least one vendor supplied by said user;

b) when said electronic payment system locates an exact match of said identifier of said at least one vendor, presenting said at least one vendor in normal text to said user for verification; and

c) when said electronic payment system finds no exact match of said identifier of said at least one vendor, selecting one of said at least one vendor as an approximation of said identifier designating said one

6. ~~In an electronic payment system, t~~The method ~~determining which of a plurality of payment methods to be employed for at least one vendor to be paid,~~ as recited in claim 5, wherein said selecting said at least one vendor as an approximation of said identifier step further comprising the step of when one of said at least one vendor is presented conspicuously from normal, allowing said user to evaluate said approximation to determine if said approximation of said identifier accurately reflects said one of said at least one vendor desired by said user.

7. ~~In an electronic payment system, t~~The method ~~determining which of a plurality of payment methods to be employed for at least one vendor, to be paid,~~ as recited in claim 1, further comprising the step of receiving a list of said at least one vendor as output from an accounting software application independent from said electronic payment system.

8. A remittance delivery system, comprising:

a remittance preference database storing information pertaining to at least one remittance recipient;

a translation engine for receiving preferred payment information data and remittance data and translating and formatting said remittance data into one of a plurality of preferred formats; and

a remittance generating engine that receives said formatted remittance data and forwards said formatted remittance data to said at least one remittance recipient based on the information stored in said remittance preference database.

9. A method for paying a vendor and transmitting remittance data using an electronic system, said method comprising the steps of:

receiving an outstanding invoice from at least one vendor;

processing said invoice through a computerized accounting application program to output accounts payable check data;

assigning said at least one vendor a vendor identifier;

based upon said accounts payable check data, determining whether to pay said vendor by paper check or electronically by consulting a vendor database for a vendor

database identifier corresponding to said vendor identifier;

when said vendor database includes said vendor identifier, retrieving a preferred payment method identifier corresponding to said vendor database identifier as stored in said vendor database;

when said vendor database does not include a match of said vendor identifier, from said vendor identifier, phonetically matching said vendor database identifier as stored in said vendor database an subsequently retrieving said preferred payment method identifier;

presenting to said user said vendor database identifier in a list corresponding to said preferred payment method identifier;

paying said vendor according to said payment method identifier;

storing, in a remittance preference database, remittance data pertaining to at least one remittance recipient;

translating and formatting, via a translation engine, said remittance data into one of a plurality of preferred formats; and

forwarding, via a remittance generating engine, said formatted remittance data received from said translation engine to said at least one remittance recipient based on the information stored in said remittance preference database;

wherein said method is substantially performed and controlled by the computer system of said user.

CONCLUSION

Based on the foregoing explanation and amendments to the claims, Applicant submits that the rejections under §§ 112 and 103 have been overcome and that the claims now stand in condition for allowance.

If any impediment to the allowance of this application remains after entry of these amendments and consideration of these remarks, the Examiner is invited to initiate a telephonic interview with the undersigned.

DATED this 9 day of August, 2001.

Respectfully Submitted,

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